



Express Mail Label No.: EL 947115703 US
Date of Deposit: September 17, 2002

PATENT APPLICATION
Attorney Docket No. 00689-514

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 20 2002

APPLICANTS: Pepinsky *et al.*

SERIAL NUMBER: 09/832,658

EXAMINER: Prema Maria Mertz

FILING DATE: April 11, 2001

ART UNIT: 1646

FOR: POLYMER CONJUGATES OF INTERFERON BETA-1a AND USES

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO JUNE 17, 2002 OFFICE ACTION

In response to the Restriction Requirement mailed June 17, 2002, Applicants elect the invention of Group 1 (Claims 1-24), drawn to a composition comprising a mutein of IFN- β coupled to a nonnaturally-occurring polymer, said mutein being A1, with traverse.

Applicants respectfully request that Group 16 (Claims 25-40), drawn to a method of treatment, be rejoined in light of MPEP § 821.04, which in regard to a product and the process for making and/or using the product recites:

“[i]n view of the rejoinder procedure, and in order to expedite prosecution, applicants are encouraged to present such process claims, preferably as dependent claims, in the application at an early stage of prosecution. Process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance.”

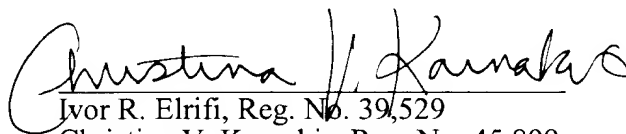
(MPEP § 821.04, 8th Edition, July 2001).

Claims 25-40 link the invention of Group I to the invention of Group 16. In light of *In Re Ochiai* and *In Re Brouwer* (Official Gazette, March 26, 1995; establishing guidelines for the treatment of product and process claims) such linking claims permit the joinder of claims relating to the making of a novel product or the use of a novel composition with the method of making the product or using the composition. In the present case, the linking claims use the novel mutein of Group I in a method of treatment using the novel muteins of the invention.

A Petition for a Two-Month Extension of Time is filed herewith. With this extension, a response is due on or before September 17, 2002. The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 00689-514.

Respectfully submitted,

September 17, 2002



Ivor R. Elrifi, Reg. No. 39,529
Christina V. Karnakis, Reg. No. 45,899
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

TRA 1711994v1